



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel A. Henderson Examiner: Olisa Anwah
Application No: 10/692,179 Art Unit: 2614
Filing Date: 10/23/2003
Title: Method and Apparatus For Improved Personal Communication Devices
and Systems
Attorney Docket: H-116 (HEND-0025 DIV)

RULE 131 DECLARATION

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Now comes Daniel A. Henderson and deposes and says:

1. That I am the inventor of the invention described in the patent application entitled "Method and Apparatus For Improved Personal Communication Devices and Systems," U.S. Patent Application No. 10/692,179, having a priority date of January 5, 1994.
2. That this priority date is based on U.S. Patent Application Serial No. 08/177,851, filed January 5, 1994, the subject application having claimed benefit thereof under 35 USC 119, as can be seen in Appendix A.
3. That in the prosecution of the above-captioned case a reference to David E. Albert, U.S. Patent No. 5,452,356, which issued September 19, 1995 and has a filing date of February 10, 1993, was cited against the claims of this case.

4. That as will be seen below, Applicant conceived of the claimed invention prior to February 10, 1993 and did not abandon, suppress or conceal the invention from at least before February 10, 1993 to January 5, 1994, the filing date of this application.

5. That as can be seen from Appendix B, Applicant conceived the subject invention prior to February 10, 1993, as evidenced by a block diagram and flow chart indicating the wireless transmission of an image and caller ID to a wireless portable communication device.

6. That this block diagram describes a pageable device, namely the paging receiver, in which an image and the caller's telephone number are transmitted over a paging network.

7. That this caller identification information is transmitted along with the image to the paging network, which caller identification information is then transmitted through the paging network to the portable communication device.

8. That the concept claimed in Claim 46 is described in the block diagram and flow chart of Appendix B.

9. That diligence from the date of conception to the effective filing date of the subject application is shown by the month-by-month activity indicated by the documents listed below and available in the indicated appendices:

<u>Appendix</u>	<u>Date</u>	<u>Description</u>
C	02/1993	"Radio Frequency Device" programmable by a PC using data interface software via IR, Serial, Parallel RJ-11 or PCMCIA. Witnessed by Suzanne Billing Henderson.
D	02/1993	"Intellipager product view created by Daniel A. Henderson
E	03/1993	Letter from Real Time Strategies regarding Daniel A. Henderson's inquiry for design assistance in messaging and wireless communication by cellular and paging.
F	03/1993	Assignment and License agreement with Vanig Godoshian regarding US Patent 4,490,579.

G	04/1993	Notes regarding Daniel A. Henderson's discussions with NEC - North America Pager engineering Department and their legal department as well as Motorola at their Boynton Beach, Florida facility.
H	04/1993	Non-disclosure agreement between Doctor Design, Inc. and Innovad regarding Daniel A. Henderson's RFP for design assistance of an auto-dialing paging receiver.
I	04/1993	Letter from NEC America Inc. indicating that they will not meet with Daniel A. Henderson without signing their NDA in which Daniel A. Henderson would have given up all his rights.
J	04/1993	Letter to Doctor Design Inc. thanking them for Daniel A. Henderson's visit to their facilities to pursue production design assistance.
K	04/1993	Non-disclosure Agreement with Robert Hotto, design engineer referred from Doctor Design.
L	05/1993	Approx. date is early May 1993, which shows Daniel A. Henderson's notations for the phone number in Japan for Kazuo Hashimoto seeking a license under his patents.
M	05/1993	Facsimile received from AT&T customer information center regarding research about Caller ID technical reference materials.
N	05/1993	Engineering Services Quotation received from Doctor Design Inc.
O	05/1993	Non-disclosure agreement with Innovad and Hashimoto Corporation regarding the Radio Frequency Auto Dialer.
P	05/1993	Short thank-you note to Kazuo Hashimoto after initial meeting.
Q	06/1993	Letter to Kazuo Hashimoto citing draft letter of understanding for license under his US Patents 4,821,308; 4,882,744; and 4,065,642.
R	06/1993	Letter to Kazuo Hashimoto regarding GlobalLink company and the draft license agreement
S	06/1993	Non-disclosure agreement between GlobalLink Communications Inc. and Innovad - Dan Henderson.
T	06/1993	Letter of understanding - signed License Agreement between Hashimoto Corporation and Daniel Henderson/Innovad Company.
U	07/1993	Product view and feature chart shows the "intellect"; prototype now in the Smithsonian that was in development for Hashimoto demonstration.
V	08/1993	Letter to Hewlett Packard requesting license or joint venture for serial infrared Link and PCMCIA technology.

W	08/1993	Fax received from inquiry related to AlphaPage product
X	08/1993	Article covering the Patent Information Clearing House that resulted in an interview of Daniel A. Henderson. Henderson often conducted his own prior art searches in 1992-1995.
Y	08/1993	Drawing that showed one cellular carrier implementation for messaging.
Z	09/1993	Letter to NEC America Inc. again requesting a meeting and mutually agreeable NDA
AA	10/1993	Letter to Shinwa Communications of America Inc. after first meeting and business cards received for tentative meeting in Japan.
BB	10/1993	Letter from Mitsui Comtek Corp. offering to assist in meeting in Japan with Casio.
CC	11/1993	Product data sheet for speaker to be spec'ed in the "Intellect" device - received from Darren Townsley, then a sales engineer at Steven Engineering.
DD	11/1993	Letter to Shinwa Communications of America Inc. informing them that Daniel A. Henderson had become assistant to Kazuo Hashimoto.
EE	12/1993	Budget analysis for patent / market research related to invention (note brochure printing, travel for Las Vegas CE Show, Shinwa visit).
FF	12/1993	Non-disclosure agreement with Morris Reese regarding Caller ID and Paging System
GG	12/1993	"Intellect" product brochure and packing receipt.
HH	01/1994	Teledynamics Product brochure picked up for research in Las Vegas Consumer Electronic Show.


10. That as can be seen from the documents associated with the above appendices, the concept was complete and witnessed prior to February 10, 1993, thus predating the filing date of the Albert patent.

11. That diligence is shown from the conception date to the date of actual reduction to practice and from the conception date to the constructive reduction to practice afforded by the filing date of this patent application.

12. That the invention was not abandoned, suppressed or concealed, as is shown by month-to-month activity in support of bringing the claimed subject matter to commercialization.

Further deponent sayeth not.

I further declare that all the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Daniel A. Henderson

Date: 2.16.2007